

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Boy 450, Alexandria VA 22313-1450,

Date: October 3 , 2005 Name: Marc V. Richards (37,921)

\_\_ Signature

BRINKS HOFER GILSON &LIONE

|   | IN. | THE | UNITED | STA | TES | PATENT AND | TRADEMARK | OFFICE |
|---|-----|-----|--------|-----|-----|------------|-----------|--------|
| _ |     |     |        |     |     |            | 1         |        |

| In re       | Appln. of:   | Augus        | t J. Bo   | rschke et al.                         |                  |             |           |     |           |             |
|-------------|--|--------------|-----------|---------------------------------------|------------------|-------------|-----------|-----|-----------|-------------|
| Appli       | n. No.:  | 10/675       |           | Examir                                | er:              | N/A         |           |     |           |             |
| Filed       | :  | Septer       |           | Art Un                                | it:              | 3721        |           |     |           |             |
| For:        |  | Smoka        | able Ro   |                                       |                  |             |           |     |           |             |
| Attor       | ney Docket   | No:          | 1186      | 7/23                                  |                  |             |           |     |           |             |
|             |  |              |           |                                       |                  |             |           |     |           |             |
| P. O.       | nissioner for F<br>Box 1450<br>ndria, VA 223   |              |           | T                                     | TRANSMITTAL      |             |           |     |           |             |
| Sir:        |  |              |           |                                       |                  |             |           |     |           |             |
| Attac       | hed is/are:  |              |           |                                       |                  |             |           |     |           |             |
| $\boxtimes$ | Second Sup   | plementa     | i Inform  | ation Disclosure Sta                  | atement; Fo      | rm PTO-1    | 449       |     |           |             |
| $\boxtimes$ | Return Rece  | ipt Posto    | ard       |                                       |                  |             |           |     |           |             |
|             | ee calculation:  |              |           |                                       |                  |             |           |     |           |             |
| $\boxtimes$ | No additiona   |              | equired.  |                                       |                  |             |           |     |           |             |
|             | Small Entity.  |              |           | -                                     |                  |             | <b></b>   | -l1 | 17 O E D  | C 4 420(a)  |
|             |  |              |           | nt of \$ for a _<br>n an amount of \$ |                  |             |           |     | 57 C.F.K. | 9 1.130(a). |
|             |  |              |           | een calculated as sh                  |                  |             | 3 1.17(   | _/· |           |             |
| ш           | An additiona   | i illing ici | . 1103 DC | con calculated as si                  | iowii bolow      |             |           | Ι   |           | , <u></u>   |
|             | Ola i a a Ba   |              | 1         | I Pakaat Ma                           |                  | Sma         | II Entity |     | Not a S   | mall Entity |
|             | Claims Rer<br>After Ame  |              |           | Highest No. Previously Paid For       | Present<br>Extra | Rate        | Add'l Fee | or  | Rate      | Add'l Fee   |
| Total       |  |              | Minus     |                                       |                  | x \$25=     |           |     | x \$50=   |             |
| Indep.      |  |              | Minus     |                                       |                  | x 100=      |           |     | x \$200=  |             |
| First P     | resentation of N   | /ultiple De  | p. Claim  |                                       |                  | +\$180=     |           |     | + \$360=  |             |
|             | Т  |              |           |                                       |                  |             |           |     | Total     | \$          |
| Fee p       | ayment:  |              |           |                                       |                  |             |           |     |           |             |
|             | A check in the amount of \$ is enclosed.   |              |           |                                       |                  |             |           |     |           |             |
|             | Please charge Deposit Account No. 23-1925 in the amount of \$ . A copy of this Transmittal is enclosed for this purpose.   |              |           |                                       |                  |             |           |     |           |             |
|             | Payment by   | credit ca    | rd in the | amount of \$                          | (Form PTC        | )-2038 is a | ttached). |     |           |             |
| $\boxtimes$ | The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.19 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including an extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Depos |              |           |                                       |                  |             |           |     |           |             |

10/31/05

Account No. 23-1925.

Marc V. Richards (Reg. No. 37,921)

by certify that this correspondence is being osited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313 on October 31, 2005

> > Date of Deposit

Name of applicant, assignee or

Signature

Date of Signature

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: August J. Borschke et al.

Appln. No.: 10/675,577

Filed: September 30, 2003

For: Smokable Rod for a Cigarette

Attorney Docket No: 11867/23

Examiner: N/A

Art Unit: 3721

## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant hereby cites the following reference(s):

## **U.S. Patents**

| No.       | Date of Publication | Patentee/Applicant/Assignee |
|-----------|---------------------|-----------------------------|
| 3,461,879 | 08/19/1969          | Kirkland                    |

Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary,

37 C.F.R §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

16/3/105

Date

Marc V. Richards (Reg. No.37,921)

NOV 0 2 2005 W

| FORM PTO-1449                        | SERIAL NO.                              | CASE NO.       |  |  |
|--------------------------------------|---|----------------|--|--|
| . BARBAR                             | 10/675,577                              | 11867/23       |  |  |
| LIST OF PATENTS AND PUBLICATIONS FOR | FILING DATE                             | GROUP ART UNIT |  |  |
| APPLICANT'S INFORMATION DISCLOSURE   | September 30, 2003                      | 3721           |  |  |
| STATEMENT                            |   |                |  |  |
| (use several sheets if necessary)    | APPLICANT(S): August J. Borschke et al. |                |  |  |

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

| · EXAMINER<br>INITIAL | DOCUMENT NUMBER Number-Kind Code (If known) |           | DATE       | NAME     | CLASS/<br>SUBCLASS | FILING<br>DATE |
|-----------------------|---|-----------|------------|----------|--------------------|----------------|
|                       | C1  | 3,461,879 | 08/19/1969 | Kirkland |                    |                |

EXAMINER DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.